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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 18TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEKARIAH

WRIT PETITION NO.10406/1991

BETWEEN:

1. P. Ramaiah s/o  
Pothalappa, Major,  
r/at No.107,  
Challaghatta, HAL Post,  
Bangalore-17.

2. Munikrishna s/o  
Pothalappa,  
Major, Rest -do-

3. Keshava Murthy s/o  
Pothalappa, Major,  
Rest -do-

4. Nagaveni d/o  
Pothalappa,  
Major, rest -do-

5. Smt. Chikka Thayamma @  
Maddakka w/o Late Pothalappa,  
Major, Rest -do-

.. Petitioners ..

( By Sri G.B.Shastry &  
Sri Krishnappa, Advocates)

..2..

AND

1. The State of Karnataka  
by Secretary to Revenue  
Dept., Vidhana Soudha,  
Bangalore-1.
2. The Spl. Land Acquisition  
Officer, Bangalore,  
3rd Floor, O.D.M. Block,  
Visweswaraiiah Centre,  
Dr. Ambedkar Veedhi,  
Bangalore-1.
3. The Secretary,  
Bangalore City Co-op.  
Housing Society,  
Sethapathy Agranara,  
Bangalore.

.. Respondents ..

(R-3 impleaded as per order dt.29.8.1991.)

( Sri K. Nagaraja, HCGP for R-1 and 2,  
Sri T.S.Ramachandra &  
M/s. Shetty & Hegde Associates for R-3.)

Writ petition filed under articles 226 and 227  
of the Constitution of India, praying to quash annexures  
A dated 25.9.1989 and B dated 23.8.1988 and etc.,

Writ petition coming on for hearing this day,  
the Court made the following:-

ORDER 2

...3.

\*CDr.( only cause title)

r. by :

c. by :

19/8/88

WP.10406/91

ORDER

18-6-1998

The petitioners have challenged the notifications issued under Sec.4(1) and 6(1) of the Land Acquisition Act, in these petitions.

2. The Division Bench of this Court in WP.3539 to 3542 of 96 and other connected petitions, dated 15-6-1998, has held that the Karnataka Land Acquisition Act, 1961 was non-existent being impliedly repealed with the commencement of Central Act 1/1894 and further held that the Deputy Commissioner who issued the notification under sec.4(1) of the Act, subsequent to Central Act 1 of 1894 as amended by Act 68 of 1984 came into force is without authority of law.

3. In the case on hand also, the preliminary notification is dated 23-8-1988, that is, subsequent to the Central Amendment Act 68/1984 came into force. Following the said decision and for the reasons stated therein, this petition is allowed; the impugned notifications issued u/s.4(1) and 6(1) of the L.A. Act, are quashed insofar as the petitioner's lands are concerned. However, this order will not come in the way of the State Government to initiate fresh proceedings.

Sd/-  
JUDGE



